Jermyn Borough

Council Meeting

12/16/21

The Jermyn Borough Council held a council meeting on Thursday, December 16, 2021 at 7:00 pm in the Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave. Jermyn, PA 18433.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance.

On roll call, the following members were present: Frank Kulick, Kevin Napoli, Cynthia Stephens, Carl Tomaine, Kyra Davey, Bob Chase. Mayor Fuga, and Attorney Moran also present. Kristen Dougherty, Robert Hunt, KBA, , NEIC, Jim Perry, Nicole Stephens, and Stanley Hallowich were absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 11/18/21 as presented. Seconded by K. Davey. All in favor, motion carried.

**Treasurer’s Report/Bills Payable:** S. Lee read the treasurer’s report:

Current Assets

Checking/Savings

Capital Reserve - DPW 10,725.40

Capital Reserve - Police 4,551.82

Crime Watch Fund 222.69

General Fund – Community 76,305.44

General Fund – FNB 4,484.45

Holiday Lights Fund 1,881.14

Investment - General Fund 1,001.58

Investment - Liquid Fuels 33,815.77

Investment - Paving Fund 1,011.94

Investment - Recycling 5,003.67

Investment - Refuse 2,600.35

Liquid Fuels - FNB 24,850.87

Petty Cash 231.00

Recreations Fund 16,132.98

Recycling - Community 8,673.76

Refuse Checking - FNB 47,963.80

Total Checking/Savings 239,456.66

Current Liabilities

Accounts Payable

200000 · Accounts Payable 27,014.96

A motion was made to accept treasurer’s report and pay bills by C. Stephens. Seconded by K. Davey. All members in favor. Motion carried.

**Ratify Bill Paid on 12/6/21:** Motion was made to except bills paid on 12/6/21 by C. Stephens. Seconded by K. Davey. All in favor, motion carried.

**Correspondence:** F. Kulick read a letter from Kristen Dougherty, thanking Council for the work they had done togeather over the past years and wishing everyone the best going forward.

F.Kulick then read a fax that was sent to the borough on December 13th, that was address to F. Kulick from Mr. Jim Davis. It read that on October, 22nd he requested certain public information, and that he was advised on October 29th that he would need to fill out the Pennsylvania Standard Right-To-Know- Form. The Jermyn Borough had received the certified mail with this request on November 12th, and then was advised by the Solicitor to exercise the 30 day calander option for legal review. He feels the review time should have ended December 12th, and has received no response since and that the Jermyn Borough is in noncompliance with his request. The Solicitor (L. Moran)advised that the 30 days starts after the initial 5 days, giving us 35 days total for review making the dead line December 17th. And that a response was sent out to Mr. J. Davis on Monday December 13th from his office.

**Public Comment:** Resident Charles McAndrew Jr. 401 Roosevelt St, Presented the Borough with a dontaion of a cased 1980 Softball that was singed by all 49 Players/Citizens of Jermyn Borough. He also provided a list of all names that go with the signitures on the softball, many of which whom still reside in the town of Jermyn.

Resident Kevin Napoli, 309 Franklin St, On behalf of himself and all his neighbors that live on the 500 block of Mellow Ct. The allyway is in need of desperate repair/ maintanance due to the over growth on both sides, and the lack there of pavement due to erosion on either side of the road. The bottom of the hill floods with any rain fall, and spreads into the residents property causing damage. He would like this to be discussed at a future meeting, to see if there is funding and a possability of this being resolved for the spring. Mayor T. Fuga added that maybe as this location is considered a drainage basin, we can look into getting grant money to put an unground retention pond.

**Professional Reports:** Bob Chase, brought to councils’ attention that Rapid pallet was doing another addition without permits, something he stopped them for in September. So, they came in and got a permit, but it was not for the work they where doing it was for another project. Once they finished the new project they tried going back and started to work on the original job he stopped them on. So, he reached out to them again and advised them they needed to stop the work as they still didn’t have a permit. They said they’d come to the borough Tuesday to get the permit but they never came to the office so Bob was going to follow up with them again.

**Public Comment:**

Police: Absent

Fire: None

EMA: None

Solicitor: L. Moran, stated In October of this year we received plats, descriptions and maps for us to finally approach the easements that are necessary for the Rushbrook creek flood protection project. We are still looking for a funding source for the project, but we went through our budget and there is funding in there so we can get started to get these things under easement as its part of our obligation. The plan would be, we have the easements drafted as we know who the effected properties are. We would start with a certified letter and an enclosure requesting and giving a date certain for signatures to be returned to the Borough. We will need two easements one for permanent easement and another for temporary easement; and we should advertise so that the residents know the letters are coming and can get excited about the project moving forward.

Code Enforcement: Absent

Zoning: None

Engineer: Absent

Tax Collector: Absent

Mayor: None

**Presentaion:**  Mayor T. Fuga took a moment to present some letters of appreciation. First was to C. Stepehens thanking her for her time and efforts spent on Jermyn Borough Council. Second was to D. Markey also thanking him for his time and decation as Borough Manager.

**Borough Consultant Report:** D. Markey, submitted the final paper work for the Bacon St. grant reinbursement, so we should be getting about 70K just after the new year. He also advised that the rental permit letters had not gone out yet, as we were waiting for the Tax Claim Buro to update there records to show any new ownerships. However it appears they still have not updated on there end, so we decided we will be sending the letters out anyway. Hopefully anyone who had sold there property, will be able to give us some information for the new owners so we can reach out to them. With that said the return date for the rental permit letters will be pushed back to the end of January due to the delay in getting them mailed out. In the letters we are going mention the new “Memorandum of under standing”, which states when the Rental Ordinance was update in 2021, the property owner is allowing a family member to dwell there with no rent exchange therefore making it not a rental. The Property owner will need to sign it, along with the Boroughs signiture, and then the property owner can take it to the recorder of deeds office to have it placed on record until the family member no longer resides at the address. Also there will be mention of the Affitdavid for none rented dwelling unit, which is for advising if the unit is vacant or owner occupied. Both applications are available on the website or they can contact the borough office for a copy.

Business Registration letters which are also normally sent out in December, They don’t come with a fee but with a penalty if not returned by the business. He questioned how should these be handled going forward if not returned, and how will they be enforced as they where done as publice safty stand point. It was discussed to amend the application and make an option/check box that if there had been no changes to the previous information submitted, that they can just check the box instead of refilling out all the information. The Secretary can then also mail out a followup letter to those who do not return the application, and then it would be up the police department to enforce it and go to the magistrate for those who don’t comply.

**Committee Reports:** None

**Cyber Insurance:** C. Tomaine, advised we should move forward with the cyber insurance that was proposed. Motion was made to except Cyber Insurance proposed and to notify DGK by C. Tomaine. Seconded by K. Davey. All in favor, motion carried.

**MS4 Advertisement of PRP:** Public Notice will read as such-As required by the Pennsylvania Department of Environmental Protection’s (PA DEP’s) National Pollutant Discharge Elimination System (NPDES) Individual Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4). Jermyn Borough has prepared and must implement a Pollutant Reduction Plan (PRP) for the Urbanized Area of Jermyn Borough. The purpose of the PRP is to select Water Quality Stormwater Management Best Management Practices (BMPs) to be constructed within the Borough to achieve a minimum 10% reduction of Sediment, a minimum 5% reduction of Total Phosphorus and a minimum 3% reduction of Total Nitrogen Pollutant Loads in pounds per year during a five (5) year time period.

The proposed PRP developed by Jermyn Borough can be viewed at the Municipal Building located at 440 Jefferson Avenue, Jermyn, PA 18433 Monday through Friday, from 9 a.m. to 1 p.m. or by accessing the Jermyn Borough website at https://www.jermynpa.com. Written comments shall be accepted by Jermyn Borough for thirty (30) days from the date of this Public Notice. A copy of the written comments will be attached to the Final PRP submitted to the PA DEP by Jermyn Borough. Furthermore, Jermyn Borough shall accept and make a record of any oral comments received at any public meeting or public hearing held by Jermyn Borough during the thirty (30) day public comment period. All public comments, whether received orally at a public meeting, or written, will be considered in the Borough’s Final PRP submitted to the PA DEP.

A motion was made to advertise the MS4/PRP public notice plan in Tri-county newspaper by K. Napoli. Seconded by C. Stephens. All members in favor. Motion carried.

**LSA Grant Resolution 15-2021:** Resolution for the LSA grant to be corrected with the amount of $50,925 and that there is no match required from the borough so we can resubmit. A Motion was given by K. Napoli to accept the Resolution 15-2021. Seconded by K. Davey. All in favor, motion carried.

**Civil Service Commission:** In following up to F. Kulick’s request to find someone interested in serving on commission. We still only have one applicant, so council requested to hold off till January before appointing to give more time to collect more applicants.

**2022 Budget:**  A motion was made by K. Davey to except the proposed budget for 2022. Seconded by C. Tomaine. All in favor, motion carried.

**NEIC/Houser follow up:** D. markey stated he spoke to NEIC/John Morino and he was going to reach out to our Solicitor/ Larry to discuss our property maintenance code to see if dangerous trees are in part or not in part of the maintenance code.

**Building Elevator:** F. Kulick wanted to advise there will be a preconstruction conference call on January 6th.

**Loff Subdivision:** B. Chase advised he was at the planning commission meeting. There are three lots that they are making into two lots and they are changing to another direction. Zoning approves the changes.

 A motion was made by K. Davey to except the Loff Subdivision at the recommendation of the planning commission. Seconded by K. Napoli. All in favor, motion carried.

**Independent Auditor Resolution 16-2021:** A Resolution to appoint an independent auditor to audit the 2021 financial records of the borough of Jermyn. BE IT RESOLVED by the Council of the Borough of Jermyn, that Brian Kelly, CPA, and Associates, is hereby appointed as the Borough of Jermyn’s Independent Auditor for a fee of $4850.00 Dollars to audit the 2021 financial records of the Borough of Jermyn.

A motion was made by K. Napoli to except the Independent Auditor Resolution 16-2021. Seconded by K. Davey. All in favor, motion carried.

**Tax Millage Rate Resolution 17-2021:** A resolution of the borough council of Borough of Jermyn, Lackawanna County, Pennsylvania, fixing the tac rate for the year 2022. Reaffirming that the tax rate is 30 mills on each dollar of assessed valuation.

A motion was made by C. Stephens to except the Tax Millage Rate Resolution 17-2021 establishing the 30 mill tax rate. Seconded by C. Tomaine. All in favor, motion carried.

**Organization Meeting:** Will be held 1/3/2022 at 7:00pm, and will need to be advertised.

**Set 2022 Meeting Dates:**  Confirming to keep Council meetings the third Thursday of the month, and will need to be advertised

**New Business:** K. Napoli requested if Borough Council would consider writing a letter to the Federal representatives about our local post office, requesting for our post office to come back and not go through Archbald. That we understand there is a shortage of postal workers, as the lengthy delays are getting extremely problematic for our residents.

**Adjournment:** A motion was made to adjourn by K. Napoli. Seconded by C. Tomaine. All members in favor. The meeting adjourned at 8:37 pm.

Respectfully submitted,



Shannon Lee,

Secretary/ Treasurer